

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. QUILLING, Receiver	§	
for Advanced Financial Services, Inc.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 1:03-CV-0236
vs.	§	
	§	
TRADE PARTNERS, INC., MACATAWA	§	
BANK CORPORATION, successor by	§	
merger to GRAND BANK, THOMAS J.	§	
SMITH and CHRISTINE M. ZMUDKA,	§	
	§	
Defendants.	§	

REPORT AND RECOMMENDATION
REGARDING RECEIVER'S FOURTH MOTION TO DISALLOW/ADJUST A CLAIMS

On August 21, 2006 the Court considered the Receiver's Fourth Motion to Disallow/Adjust A Claims [Docket No. 1330]. Although given proper notice of the hearing, none of the claimants appeared or otherwise responded.¹ Based on the evidence presented, applicable law and argument of counsel, the Court makes this report and recommendations.

1. The Receiver's Fourth Motion to Disallow/Adjust A Claims [Docket No. 1330] should be **granted**.

2. Each of the claims set forth below should be adjusted and allowed in the amount proposed by the Receiver so as to reflect the actual amount invested as opposed to including the amount of the death benefit or expected return:

Claim No.	Name	Claim Amount	Receiver's Proposed Claim
A-04108	CCWH, LLC	\$115,200.00	\$73,846.15

¹ Claimant Jack Joslyn appeared and agreed to the Receiver's calculation of his claim.

Claim No.	Name	Claim Amount	Receiver's Proposed Claim
A-04337	Izolda Loktionova	\$20,082.17	\$14,142.37
A-04336	Alexey Kaboshkin	\$14,321.55	\$10,085.60
A-04334	Valeri Bondar	\$1,571.84	\$1,228.00
A-04605	Gary J. Zmudka	\$172.90	\$128.07
A-06984	Gary J. Zmudka	\$1,062.77	\$748.43
A-06985	Gary J. Zmudka	\$1,503.14	\$963.55

3. The following claims should be adjusted and allowed in the amount proposed by the Receiver so as to take into account payments received by the claimant and/or deduct any claim for interest:

Claim No.	Name	Claim Amount	Receiver's Proposed Claim
A-06768	Dora Ivine Paris	\$44,906.94	\$30,765.86
A-00223	Jack Joslyn	\$35,000.00	\$25,024.98
A-00187	Evelyn F. McNair	\$91,512.99	\$35,676.04
A-06315	Evelyn F. McNair	\$30,668.00	\$28,551.60

4. The following claims should be adjusted and allowed in the amount proposed by the Receiver for the reasons stated in the Receiver's Motion:

Claim No.	Name	Claim Amount	Receiver's Proposed Claim
A-04246	VIAC, LLC	\$146,192.31	\$91,370.19
A-01838	Brian and Lois Roth	\$15,917.91	\$0.00
A-01842	Brian and Lois Roth	\$8,000.00	\$0.00
A-03026	Eugene and Betty LaCroix	\$5,000.00	\$0.00

Claim No.	Name	Claim Amount	Receiver's Proposed Claim
A-03027	Eugene and Betty LaCroix	\$14,727.73	\$0.00
A-03028	Eugene and Betty LaCroix	\$16,666.66	\$0.00

Respectfully submitted,

Date: August 24, 2006

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-950 (6th Cir. 1981).